



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 3 December 2002
EXPIRATION DATE: 3 January 2003
REFERENCE NUMBER: R-1980-0433
WATERWAY NUMBER: Tongass Narrows 352

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plans.

APPLICANT: Boyer Towing, Incorporated, 5061 Shoreline Drive Post Office Box 8000, Ketchikan, Alaska 99901-8000.

LOCATION: Ketchikan, Alaska, within section 23, T. 75 S., R. 90 E., Copper River Meridian, USGS Ketchikan B-6, lat. 55° 21' 20" N., long. 131° 41' 30" W.

WORK: Applicant currently requests permit authorization to:

- 1) excavate a wedge-shaped trench from an area previously filled with shot rock, 30' wide by 55' long (approximately 600 cubic yards of clean shot rock material to be removed), to a sloping bottom elevation of +16' on the upper end and +6' on the most seaward end;
- 2) install concrete block walls on two sides of the trench area;
- 3) install a fabricated steel abutment supported by steel piling on the landward end of the trench area;
- 4) drive two X 3-pile support dolphins with steel caps; and
- 5) install a lifting structure on the dolphins, and a 20' wide X 3' deep X 90' long fabricated steel transfer bridge between the shoreward trench abutment and the dolphins.

PURPOSE: The purpose of the work is to provide facilities to accommodate side loading of freight barges. Current facilities only accommodate end loading of barges.

ADDITIONAL INFORMATION: The fill removal work would be done by backhoe and dump trucks, and would be hauled to an upland disposal site. This removal work would be done when the tide is below the work area (dewatered). The bridge lifting structure is removable, and is removed during times when a barge is moored and the bridge is lowered onto the barge deck.

Previous file history is as follows:

- 2-1980-0433 (issued 12/2/80): Permit authorizing the expansion of an existing commercial barge facility by 170' X 250'. Consisted of constructing 520 linear feet of steel sheet piling, placing 35,000 cy of shot rock, 2,400 cy of unclassified

dredged material from 50' X 250' area dredged to -10', and placement of 450 cy of riprap.

M-1980-0433 (issued 7/11/84): Permit time extension until June 8, 1985.

N-1980-0433 (issued 2/11/86): Modification to expand the existing barge facility by constructing a sheetpile and rock bulkhead fill, using 2,400 cy of dredged material and 35,000 cy of clean shot rock. Also authorized dredging the area forward of the completed structure on an as-needed basis for 10 years. Expiration date of February 11, 1989.

O-1980-0433 (issued 2/9/87): Modification to install stacked rock walls in place of bulkheads, authorize additional dredging of 300 cy of bottom material, construct a 35' X 40' pile supported dock, and decrease the total fill amount to be placed at the site by 3,000 cy. Also, extended the permit time limit to February 28, 1990.

P-1980-0433 (issued 2/19/93): Modification to extend the permit limits until February 28, 1996.

Q-1980-0433 (issued 1/26/95): Modification authorizing the replacement of an existing tower-supported 24' X 60' ramp with a float-supported 24' X 90' ramp, dredging of 12,000 cy of sand/gravel, installation of a steel sheet pile bulkhead and placement of 19,000 cy of fill material to create a 50' X 300' work area. Expired January 26, 1998.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Management and Budget, Division of Governmental Coordination has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are numerous properties listed within this same section, township, and range. However, no listed or eligible properties are located in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated

federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION None

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Shannon Hansen at (907) 753-2712 or toll free in Alaska at (800) 478-2712, if further information is desired concerning this notice.

AUTHORITY This permit will be issued or denied under the following authorities

(X) Perform work in or affecting navigable waters of the United States
Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

() Discharge dredged or fill material into waters of the United States -
Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest

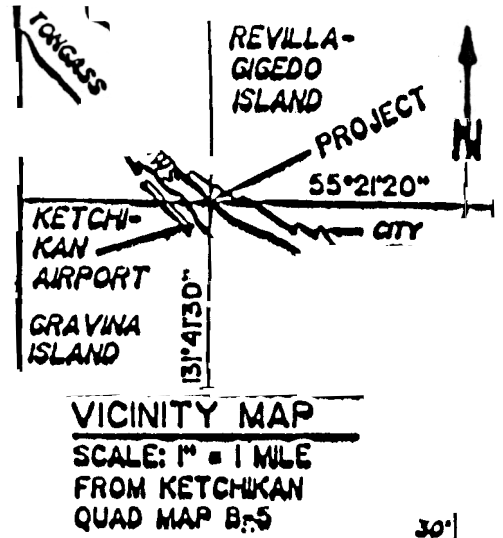
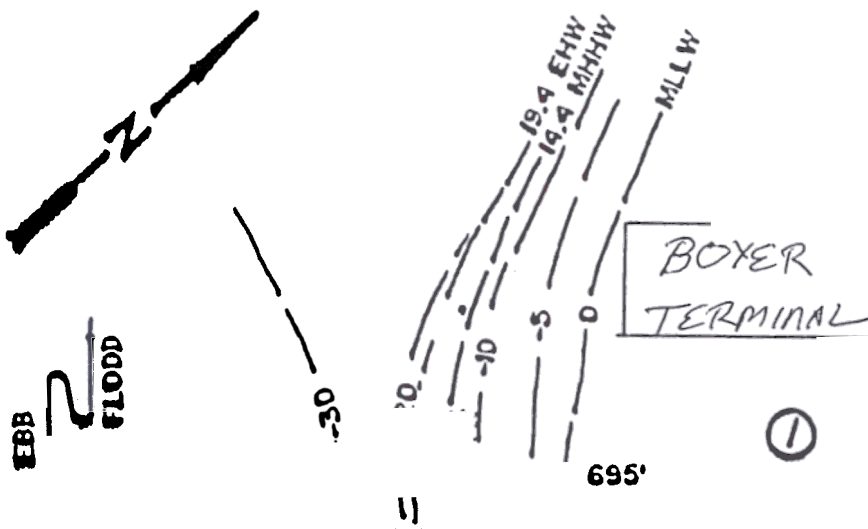
review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

A plan and Notice of Application for Certification of Consistency with the Alaska Coastal Management Program are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



EXISTING DRED AREA TO -15'

EXISTING STACKED ROCK WALL
370'

STING YARD

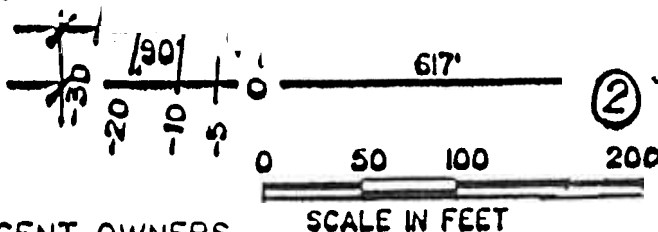
FLOATING BRIDGE
EXISTING

EXISTING TANK FARM

TONGASS NARROWS

DOLPHIN

SHEET PILE
EXISTING



ADJACENT OWNERS

① STATE OF ALASKA
MARINE HIGHWAY SYSTEM

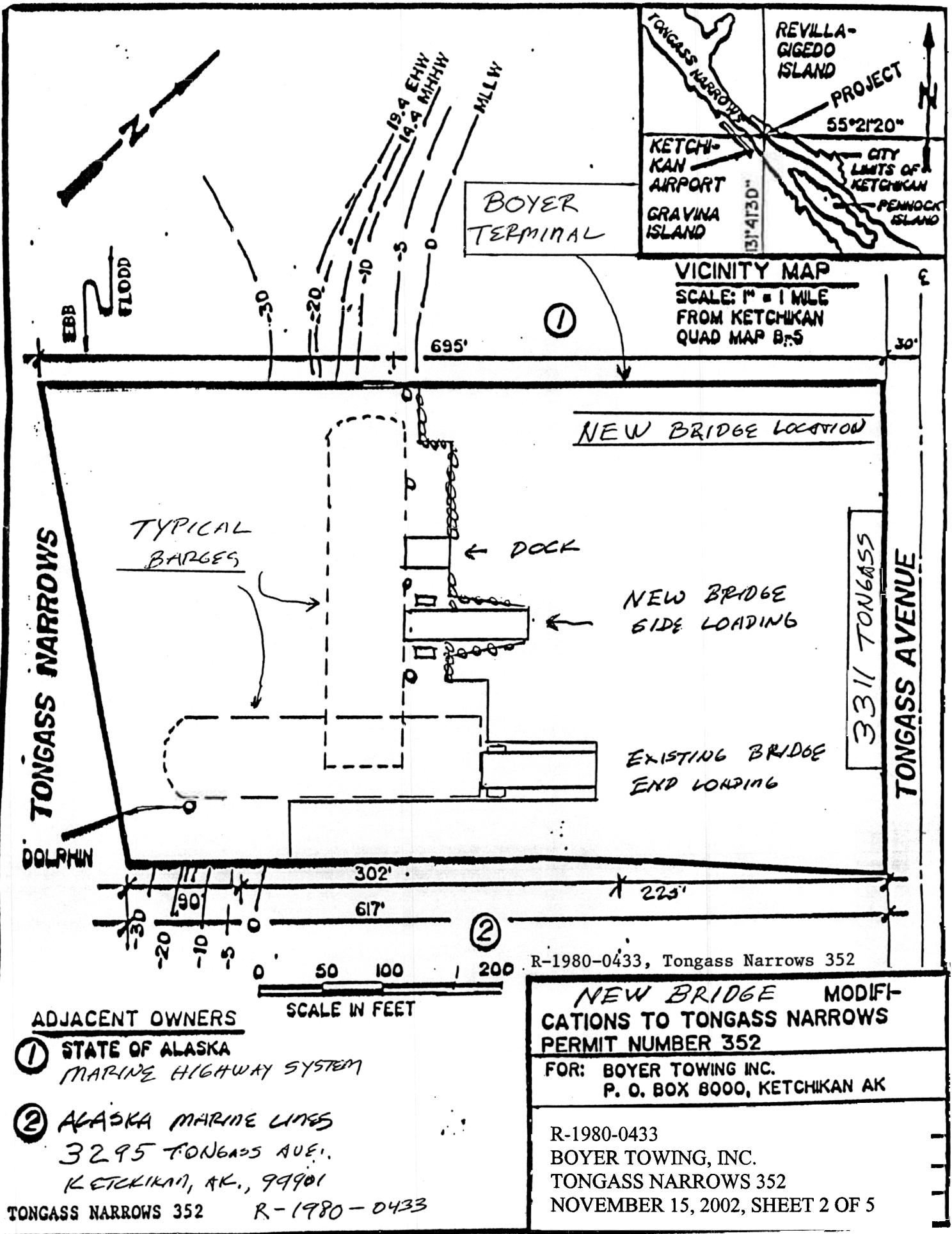
② ALASKA MARINE LINES
3295 TONGASS AVE.
KETCHIKAN, AK., 99901

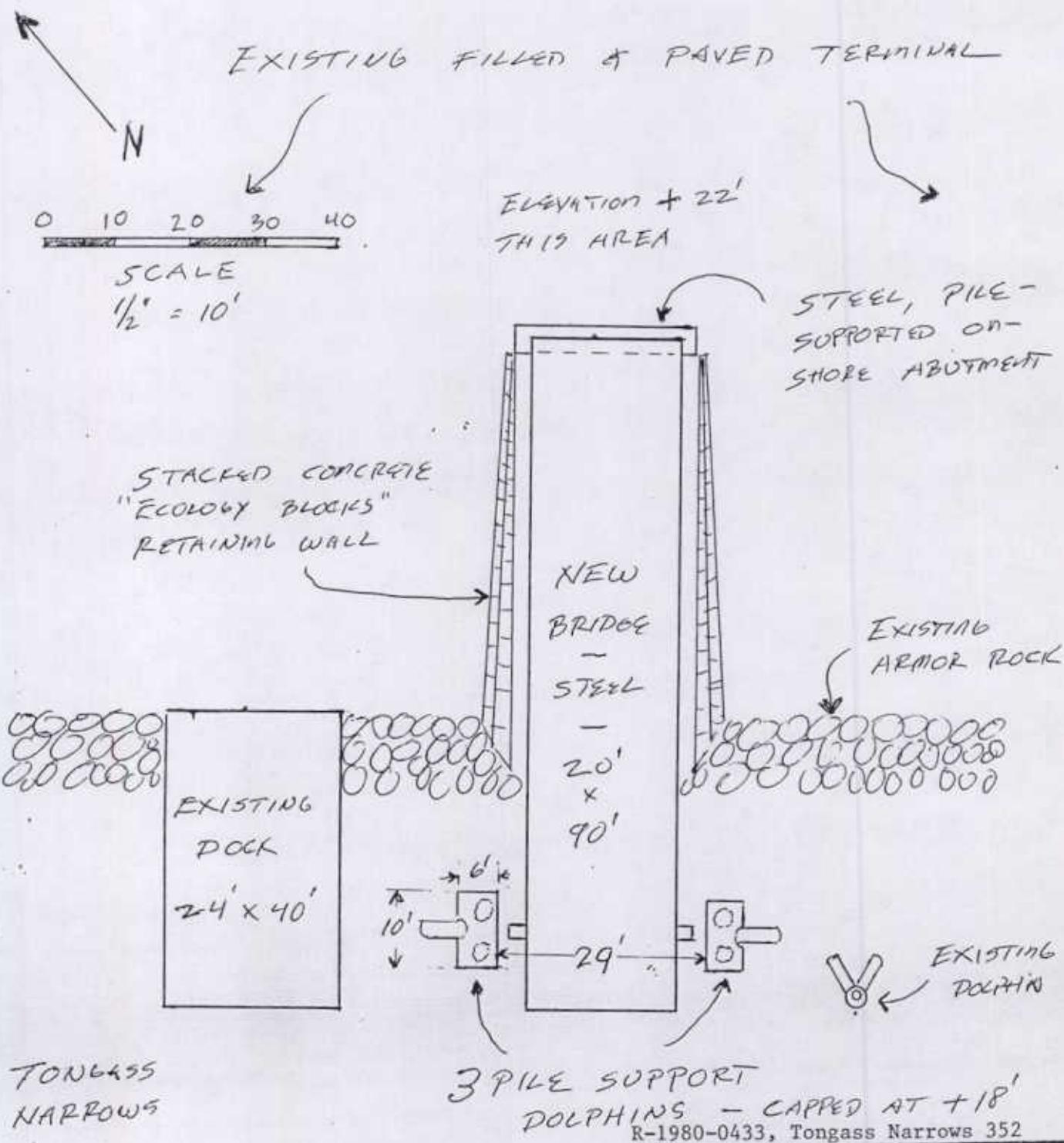
R-1980-0433, Tongass Narrows 352

NEW BRIDGE MODIFICATIONS TO TONGASS NARROWS
PERMIT NUMBER 352

FOR: BOYER TOWING INC.
P. O. BOX 8000, KETCHIKAN AK

R-1980-0433
BOYER TOWING, INC.
TONGASS NARROWS 352
NOVEMBER 15, 2002, SHEET OF 5





PLAN VIEW

MOBILE OVERHEAD
LIFTING STRUCTURE,
NOT IN PLACE ON
SUPPORT DOLPHINS

NEW BRIDGE MODIFI-
CATIONS TO TONGASS NARROWS
PERMIT NUMBER 352

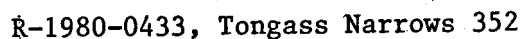
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R-1980-0433
BOYER TOWING, INC.
TONGASS NARROWS 352
NOVEMBER 15, 2002, SHEET 3 OF 5

END VIEW

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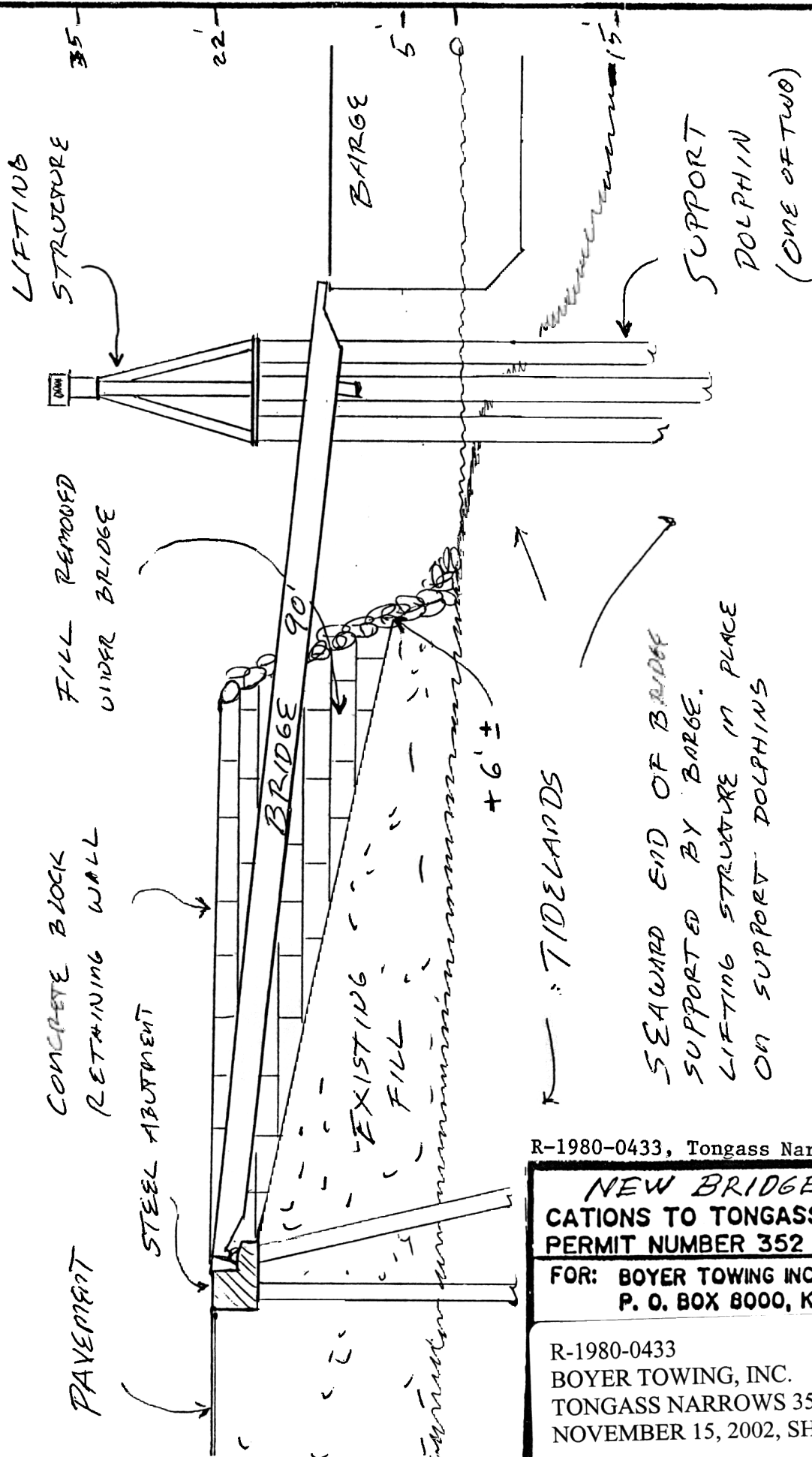
SCALE
1" = 8'



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R-1980-0433
BOYER TOWING, INC.
TONGASS NARROWS 352
NOVEMBER 15, 2002, SHEET 4 OF 5

SIDE VIEW



0 10 20 30
SCALE
3/4" = 10'

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NOVEMBER 15, 2002, SHEET 5 OF 5

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Governmental Coordination for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. R-1980-0433, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Alaska Division of Governmental Coordination. For information about this consistency review, contact DGC at 907-269-7470 or 907-465-3562, or visit the DGC web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

Attachment 2